GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Rajiv Gandhi University of Knowledge Technologies (RGUKT) - Alteration of the first statutes i.e. Statute 13(3) of RGUKT – Orders – Issued - Reg.

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HIGHER EDUCATION (E.C) DEPARTMENT

G.O.RT.No. 170 Dated: 08-12-2020.

Read the following:

1. Rajiv Gandhi University of Knowledge Technologies (RGUKT) Act 18 of 2008.
2. Orders, Dt.26.10.2010 of AP High Court in WP No.16657/2010.
3. Orders, Dt.07.02.2011 of SCI, New Delhi in SLP(Civil) No.2656/2011.
4. Govt. Lr.No.7917/EC.2/2011-05, Dt.28.07.2011.
5. Orders, Dt.04.10.2017 of AP High Court in WP No.21836/2017.
6. Orders, Dt.04.10.2017 of SCI, New Delhi in SLP(Civil) No.25801/2018.
7. G.O.Rt.No.2, Higher Education (EC) Dept., dated 02.01.2020.
8. Report of Justice B.Seshasayana Reddy, dated 21.09.2020.
9. Letter from the Chancellor, RGUKT, lr.No.RGUKT-AP/Act/Statute No 13/Amendment /2020, Dt. 23.09.2020.
10. G.O.Rt.No.152, HE(EC) Dept., Dt.20.10.2020.
11. Proceedings of the Chancellor, RGUKT for constitution of High Power Committee, Dt.21.10.2020
12. Recommendations of High Power Committee headed by Justice B Seshasayana Reddy
13. Minutes of the 47th meeting of the Governing Council held on 12.11.2020.
14. From the Chancellor, RGUKT, Lr.No.RGUKT-AP/Admissions/Deprivation Score/2020, Dt.12.11.2020 and Dt.27.11.2020.

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ORDER:

Government established the Rajiv Gandhi University of Knowledge Technologies (RGUKT) in 2008 under Act 18 of 2008 to cater to the educational needs of the meritorious rural youth of Andhra Pradesh. Three campuses of RGUKT were started under the University in the year 2008, one each at Basar (Adilabad Dt), Nuzvid (Krishna Dt), Rajiv Knowledge Valley (YSR Kadapa Dt). After bifurcation of the state, RGUKT was also bifurcated and the institutes at Nuzvid and Idupulapaya are under RGUKTGO RT/29/2020/EHE01-Human Resources (Higher Education) File No.EHE01/464/2020-OP AP. Two new campuses of RGUKT were established, one at Srikakulam and another at Ongole during 2016. Each Institution shall have a student intake of 1000 every year. The admission for the 6-year Integrated B. Tech programme is done on the basis of CGPA (Cumulative Grade Points Average) secured in the SSC or Equivalent examination by the applicants, duly following the Rule of Reservation. The first Statutes of RGUKT for admission process i.e Statute 13 is as follows:

1. The Institutes shall be fully residential.
2. The institute will cater primarily to the educational needs of the meritorious rural youth of Andhra Pradesh.
3. The admission process is based on the local basis with rural mandal as a Unit, allowing for the established reservation norms.
4. The merit is based on the marks secured in the Secondary School Certificate (10th Standard) from out of the applicants.

2. The above Statute was challenged before the Hon'ble High Court and the court in its order in WP No.16657/2010 dated 26.10.2010 reported in 2010 (6) ALT 670 held that,-

> "Article 371(D) of the Constitution was enacted to provide special provisions in respect of the State of Andhra Pradesh one of the important objects which the article seeks to achieve is providing equal opportunities to the students of different areas of the State in the field of education. The Andhra Pradesh Educational Institutions (Regulation of Admissions) Order, 1974 is made by the President in exercise of powers conferred by Clauses 1 and 2 of the Article 371(D) of the Constitution of India.
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> The provisions made in the Statute 13(3) of the Act, 2008 considering local rural mandal as unit for the purpose of reservation to the local candidates is unconstitutional as it offends Article 15 of the Constitution of India. The policy under the Statute does not confirm to the objectives sought to be achieved by Article 371(D) of the Constitution of India. The said Statute also offends the Presidential Order, 1974 made by the President in exercise of powers conferred by Clauses 1 and 2 of Article 371(D) of the Constitution of India. It takes away the opportunities of the meritorious students, who in fact are local candidates of a particular university area in terms of the Presidential Order. The Statute cannot be justified on the ground of affording opportunity to the students from rural schools, who are not able to compete with the students of schools in urban areas whose resources and infrastructural facilities are said to be entirely different. There are several instances wherein the students from rural schools show supremacy over the students from schools in urban areas, in the selection process of several courses in various educational institutions and universities. The procedure adopted under the Statute for allotment of seats considering local rural mandal as unit as aforementioned cannot be justified on the ground that para 6 of the Presidential Order being broadly followed by maintaining the ratio 42:36:22 among the universities in the State. We are also unable to agree with the contention that the said procedure was adopted to give effect to the directive principles of State policy provided for in Part IV of the Constitution of India The Statute 13(3) of Act, 2008 offends the Articles 14, 15 and 371(D) of the Constitution and also the Presidential Order, 1974."

3. The High Court declared that statute 13(3) of the RGU of knowledge Technologies Act, 2008 is illegal, arbitrary and unconstitutional and struck down the same.

4. Aggrieved by the orders, dated 26.10.2010 of the Hon'ble High Court of AP in WP No.16657/2010 the RGUKT had approached the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India, New Delhi in its orders, Dt.26.10.2010 held, "Interim stay of the applicability of the impugned order to admissions made prior to the date of judgment of the High Court. However, the interim stay will not affect the direction to admit the second respondent to the Engineering course and it is made clear that the direction for his admission is not disturbed".

5. In the reference 4th read above, Government approved the statute 13(3) which is as follows:

> "Admission to the six year integrated engineering course shall be based on the 10th class marks of each applicant. A deprivation score, as prescribed by Government from time to time in terms of percentage marks, may be added to the 10th class marks of the applicants from the non-residential government schools, including zilla parishad and municipal schools, with the objective of providing weightage to the socio economically challenged students."

6. The amended statute was challenged before the Hon'ble High Court and the Court in its order in WP No.21836/2017 dated 4.10.2017 held in 2017 (6) ALT 150.

> "The concession/incentive, as stipulated in Statute 13(3), is made available to all students who passed their 10th Class from non-residential government/zilla parishad/Municipal schools, which would, undoubtedly, include students from the open category also. Students, who passed their 10th Class from such schools, are not confined only to the socially and educationally backward classes or to the Scheduled Castes and the Scheduled Tribes, but would also include the affluent and those who, though economically backward, are from the socially and educationally advanced sections of society. Reliance placed by Ms.M.Vidyavathi, on Pradip Tandon, is therefore misplaced.
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> The concession of providing a deprivation score of a maximum of 0.4, to students studying in non-residential government/zilla parishad/municipal schools must fail, firstly because there is no verifiable data to show that all the students studying in such schools are "socio-economically challenged" which is the object of Statute 13(3). Secondly, because this object, of providing weightage to the "socio-economically challenged" students, is not legally valid as concessions in favour of the "economically backward" is not permissible under Article 15(4) of the Constitution of India. Reliance placed on Gopal D.Tirthani is therefore misplaced.
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> While establishing the University and Colleges in rural areas would, undoubtedly, provide an opportunity for students from rural areas to have greater access to the educational facilities provided thereat, reservation/concession/incentive to students from certain categories of schools alone, and denying such benefits to students from other schools, does not have a rational nexus to a permissible objective. Extension of such concessions to the "socioeconomically challenged" (whatever this expression means) would fall foul of the equality clause in Article 15 (1) of the Constitution of India, besides violating Article 14 of the Constitution of India as neither does the classification have a rational nexus to the object sought to be achieved nor is the avowed object permissible under Article 15 of the Constitution. Statute 13(3) not only falls foul of Article 15(4) of the Constitution, it also suffers from the vice of discrimination and arbitrariness offending Articles 14 and 15(1) thereof."

7. The High Court declared that **statute 13(3) is ultra virus to Article 14 & 15 of the Constitution of India**.

8. Aggrieved by the orders, dated 4.10.2017 of the Hon'ble High Court of AP in WP No.21836/2017, the RGUKT had approached the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India, New Delhi in its orders, Dt.06.08.2018 has held that, "We are not inclined to interfere with the impugned judgment and order. Consequently, the special leave petitions are dismissed".

9. Government have constituted a Commission with the following Members to conduct a scientific study on the problems associated with education of Youth in rural areas in the context of RGUKT with respect to enabling them to study such fields, and suggest appropriate reform measures and provisions that do not violate the proscriptions of Articles 14,15 and Presidential Order, 1974 issued pursuant to Article 371 (D) and directed to workout methodology to arrive at the deprivation score and submit their report to Government vide G.O.Rt.No.2, HE Dept., Dt.02.01.2020:

1.	Justice B Seshasayana Reddy	Chairman
2.	Prof.K.C.Reddy, Chancellor, Rajiv Gandhi University of Knowledge Technologies	Member-Convenor

3.	Prof.P.Vijaya Prakash, former Vice-Chairman, A.P. State Council of Higher Education	Member

10. In the reference 8th read above, the Commission has submitted a report to RGUKT. The report of the Commission has been approved by the Academic Council and an apex academic body of the University. The following are the brief recommendations of the Commission:

The Commission opined that Govt. school children suffer a high degree of educational deprivation compared to Children in private schools. Extending some concessions to the deprived class does not in any way contravene Article 14 of the Constitution. There is empirical evidence from the study that educational deprivation is a situation where educational attainment falls below the level of natural abilities of a student who lacks in better quality of living and not being educated in better facilities like adequate and well-furnished class rooms, excellent learning resources, adequate playground with ample facilities and effective health care as available and accessible in urban areas. Therefore, such students need to be compensated by adding deprivation score to establish level playing field between the rural-urban, private-public, and residential-non residential divides of school education system. The primary object of Rajiv Gandhi University of Knowledge Technologies is to provide quality engineering education to the meritorious rural students who are deprived for the reasons mentioned above.

11. In the reference 11th read above, the Chancellor, RGUKT constituted a High Power Committee with the following members to examine and recommend alternative ways to protect the interests of the deprived students :-

Justice B.Seshasayana Reddy	Chairman
Prof. K. Hemachandra Reddy, Chairman APSCHE	Member
Prof. N.Balakrishnan, Former Associate Director,IISc Bangaluru	Member
Shri C.V. Mohan Reddy, Former AG, Hon'ble High Court, AP	Member
Shri C. Sudesh Anand, Advocate and Legal Advisor to APSCHE	Member
Prof. K. C. Reddy, Chancellor, RGUKT	Member Convener
Shri Subrahmanyam Sriram, Advocate General, Hon'ble High Court	Spl. invitee
Shri Satish Chandra, I.A.S, Special Chief Secretary to Government, Higher Education Department	Spl. invitee

12. The resolutions/recommendations of the high power committee are as follows:

- There is adequate material and sufficient data to infer that students from rural government schools faced education deprivation. This is also verified using three year average (2017-19) of admission data of RGUKT, which indicate that without deprivation score rural government school students would only garner 23% of seats in RGUKT while the rest goes to private school students. The situation *reverses* with

deprivation score wherein rural government school students shared 93% of seats and the rest of the seats are shared by the private school students.

- The committee having considered the above aspects resolved to recommend to the Governing Council to consider adding appropriate deprivation score to the rural government school students appearing for the common entrance test being conducted by RGUKT for the year 2020-21 by incorporating the same under statute 13. The committee is of the view that deprivation score may be reviewed periodically.

- Telangana State which is also having a six year integrated B.Tech programme under RGUKT-Basar is still providing 0.4 deprivation score to the students who studied in Government Schools including schools managed by local bodies, Zilla Parishads, Municipalities and municipal corporation.

- A recent G.O.(Ms) No. 43, dated 29.10.2020 by the Government of Tamil Nadu subsequently approved by legislation to provide horizontal reservation of 7.5 percent of seats in the admission to MBBS/BDS courses on preferential basis to the students who have studied from sixth to twelfth standard in the State government schools including those run by local bodies etc.

13. In the reference 14th read above, the Chancellor, RGUKT informed that, the Governing Council, RGUKT in its 47th meeting held on 12.11.2020 has approved the recommendations of the High Power Committee and informed that, if the deprivation score is not considered, the philosophy and the prime objective for establishing RGUKT will be lost and resolved to add a deprivation score of 0.4 to GPA of the students who studied in Government schools and secured GPA score at RGUKT-CET for admission into six year integrated program of RGUKT for the academic year 2020 -21 the similar lines of RGUKT, Basar, Telangana State.

14. The Government after careful examination of the report of Commission, recommendations of High Power Committee and resolution of Governing Council of RGUKT and in exercise of the powers conferred under section 25(1) of the RGUKT Act, 2008 hereby alter the Statute 13(3) of the first Statutes of RGUKT in the place of existing statute-13(3) in the said Act. The altered Statute-13(3) shall read as follows:

> A deprivation score will be added to the students who studied in Government Schools and the deprivation score shall be decided by the Governing Council of RGUKT every year before admission notification.

15. The Chancellor, RGUKT is, therefore requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SATISH CHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Chancellor, RGUKT, Nuzvid.
Copy to
The Justice Seshasayana Reddy through the Chancellor, RGUKT.
The VC, RGUKT.

//Forwarded :: By Order//

Section Officer